



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009381
Applicant Name: David and Bokhee Cooper
Address of Proposal: 12301 Fifth Avenue Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide four parcels of land into five parcels of land. Proposed parcel sizes are as follows: Parcel E) 6,594 sq. ft.; Parcel F) 5,400 sq. ft.; Parcel G) 5,400 sq. ft.; Parcel H) 5,400 sq. ft.; and Parcel I) 5,403 sq. ft.

The following approval is required:

Short Subdivision - To create five parcels of land from one parcel (SMC Chapter 23.24).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

DPD Staff Note: Associated development applications include Project No. 3007488 (Short Plat 1:4) and Project No. 3007061 (Lot Boundary Adjustment).

BACKGROUND DATA

Zoning: Single Family (SF 7200)

Date of Site Visit: January 23, 2009

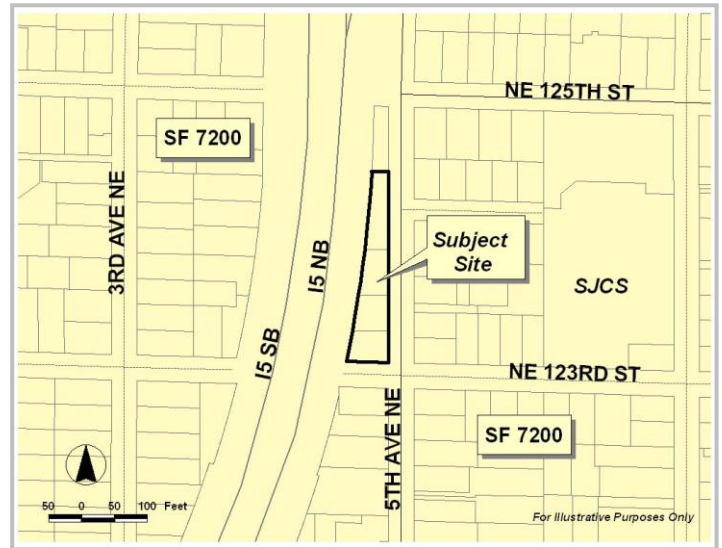
Substantive Site Characteristics:

The subject parcels are located in Seattle's Pinehearst neighborhood on the west side of 5th Avenue Northeast, between Northeast 123rd and



Northeast 124th Streets. Interstate 5 (I-5) and associated Washington Department of Transportation (WSDOT) property abuts the site to the west.

The parcels are zoned single family with a minimum lot area of 7,200 square feet (SF 7200), as are all parcels in the immediate vicinity north, south, east, and west of the subject site. The Seattle Jewish Community School is located one block east of the site, and the Pinehearst commercial core node is approximately one quarter of a mile east of the subject site. Residential development in the surrounding area consists of one and two-story single family homes of varying age and architectural style. The subject parcels are currently vacant; however construction of a single family residence has begun on Parcel E (A/P 6177566).



The subject site is bounded on the east by 5th Avenue Northeast, which is a 60 foot wide minor arterial with full improvements including sidewalks, curbing, and drainage gutters. Northeast 123rd Street, a 60 foot wide paved and unimproved residential access street with no sidewalks or curbing, is south of the site. The parcels are not located within any mapped or observed environmentally critical area (ECA), and the subject site is not located within a designated Urban Village or Urban Center area, though the Northgate Urban Center Village is approximately ½ mile south of the site.

The applicant submitted an arborist report prepared by Superior NW Tree and Shrub Care, Inc., dated December 9, 2008. The report indicated trees both native and nonnative to Washington State exist on the proposed development site (Parcels E through I), including numerous native Pacific Madrone (*Arbutus menziesii*), seven (7) of which are of “exceptional” caliber per the Department’s Director’s Rule (DR) 6-2001, *Clarification of State Environmental Policy Act (SEPA) Plants and Animals Policy Concerning Outstanding Trees, and Designation of Exceptional Trees under the Tree Protection Chapter (25.11) of the Seattle Municipal Code*. The seven Madrones range in size from 10 to 32 inches in diameter (DBH), 30 to 50 feet in height, and according to the City Arborist and the applicant’s Arborist are in good to exceptional condition.

Proposal:

The applicant proposes to divide four parcels into five parcels of land. The proposed lot sizes are as follows:

- Parcel E: 6,594 sq. ft.
- Parcel F: 5,400 sq. ft.
- Parcel G: 5,400 sq. ft.
- Parcel H: 5,400 sq. ft.
- Parcel I: 5,403 sq. ft.

Pedestrian and vehicle access for the lots is proposed to be from 5th Avenue Northeast. A 10 foot wide utility easement extends along the east property line from the south property line of Parcel E to the north property line of Parcel I.

Public Comment:

The public comment period ended December 17, 2008. During this period, the Department received no public input related to the land use application.

Application documents, reports, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
 2. *Adequacy of access for pedestrians, vehicles, utilities, and fire protection, as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
 3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
 4. *Whether the public use and interests are served by permitting the proposed division of land;*
 5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
 6. *Is designed to maximize the retention of existing trees;*
 7. *Conformance to the applicable provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing; and*
 8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*
1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential uses with a minimum lot size of 7,200 square feet (SF 7200). The lots created by this proposed division of land would conform to all applicable development standards of the SF 7200 zone. The proposed parcels would provide adequate buildable area to meet applicable yards, lot coverage requirements, and other applicable Land Use Code development standards.

This short subdivision was submitted on the basis of application of the 75% - 80% rule pursuant to SMC 23.44.010.B.1.b. By subdivision, lots in a single family zone may be created which are "[a]t least seventy-five (75) percent of the minimum required lot area and [are] at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone". Seventy-five (75) percent of the minimum lot size of the SF 7200 zone is 5,400 square feet. Eighty percent of the mean lot size of the lot on the subject

block face between North 123rd Street and North 125th Street, exclusive of the subject lot, is 5,764 square feet, according to information submitted in the application. The proposed lot areas of Parcels E, F, G, H, and I are greater than eighty percent of the mean lot area of the lot on the same block face (5,764 sq. ft.) and greater than seventy-five (75) percent of the minimum required lot area (5,400 sq. ft.). Thus, the proposed lot configuration meets the exception to the minimum lot area as contained in SMC 23.44.010.B.1.b.

DPD has found adequate buildable area, on each of the proposed parcels (F, G, H, and I) that would accommodate tree protection zones for each exceptional tree and future housing on each parcel. Tree protection zones and exceptional tree protection and preservation measures are detailed below.

2. *Adequacy of access for pedestrians, vehicles, utilities, and fire protection, as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*

The proposed parcels will have direct pedestrian and vehicular access from 5th Avenue Northeast.

The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access, subject to future development meeting Seattle Fire Code Requirements.

Seattle City Light (SCL) provides electric facilities to the surrounding community, including the proposed short plat. Seattle City Light has reviewed the proposal and does not require an easement to provide service to the proposed lots.

All private utilities are available in this area. The short plat provides for adequate access for pedestrians, vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. Seattle Public Utilities (SPU) reviewed the short plat application, and Water Availability Certificate 20080873 was issued on July 21, 2008.

SPU notes the following on the Water Availability Certificate: Property owner may order water service after meeting all service requirements. No change to the water distribution system is required. No flow test or simulation numbers are available at this time.

Sanitary Sewer The existing property is connected with a side sewer to an 8-inch public sanitary sewer main located in 5th Avenue Northeast. The applicant shall contact DPD Side Sewer and Drainage Counter, 684-5362, for Side Sewer Permit requirements. If the proposed side sewer will be shared with another property, a "Side Sewer Easement, Connection, Hold Harmless & Indemnification Agreement" shall be required prior to permitting additional units to be connected.

Drainage The existing property is served by a 10-inch public storm drainage system located in 5th Avenue Northeast. Plan review requirements will be made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The proposed short subdivision would meet applicable Land Use Code provisions; the proposal has adequate access for pedestrians, vehicles, utilities and fire protection; and has adequate drainage, water supply and sanitary sewage disposal services. The public use and interest would be served by this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. Furthermore, upon completion of the conditions in this decision, the proposal would meet all applicable criteria for approval of a short plat.

Protection and preservation of the identified exceptional Pacific Madrones on Parcels G through I (trees #29, the grouping of trees identified as #34, and a cluster of three trees on Parcel I) will further serve the public use and interest in the following ways:

- By retaining trees determined to be of exceptional quality and value for the benefit of the entire Seattle community;
- By providing additional habitat for birds and animals;
- By supporting local and regional initiatives to increase citywide tree canopy coverage;
- By providing additional noise buffering from traffic on I-5;
- By improving immediate water quality and air quality.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

The applicant submitted an arborist report prepared by Superior NW Tree and Shrub Care, Inc., dated December 9, 2008. The report indicated trees both native and nonnative to Washington State exist on the proposed development site (Parcels E through I), including numerous native Pacific Madrone (*Arbutus menziesii*), seven (7) of which are of “exceptional” caliber per the Department’s Director’s Rule (DR) 6-2001, *Clarification of State Environmental Policy Act (SEPA) Plants and Animals Policy Concerning Outstanding Trees, and Designation of Exceptional Trees under the Tree Protection Chapter (25.11) of the Seattle Municipal Code*. The seven trees range in size from 10 to 32 inches in diameter (DBH), 30 to 50 feet in height, and according to the City Arborist and the applicant’s arborist all are in good to exceptional condition.

Based on consultation with Seattle’s Urban Forester, the applicant’s Arborist, DPD project review staff, and upon field inspection, nine (9) Pacific Madrone (also referred to as Madronas)

were selected for tree preservation and protection from any and all future construction. As represented in the applicant's tree report, the trees are:

- **Tree 29:** A 32" DSH, 50' tall Madrone with a 50' spread in exceptional condition. The tree has quite good conformation with some dead wood present and some ivy in the lower stories. It stands 20' east of the 'F/G' NW/SW corner marker on the south border of 'G'. This tree could be considered as Exceptional under Director's Rule 6-2001. **Parcel G.**
- **Trees 34:** Three Madrone 30' tall with 10" DSHs in fair condition that are growing just north of the 'G/H' NW/SW corner marker. One is standing vertical, one leans to the east, and one leans to the west. They have light deadwood and ivy present. These trees could be considered Exceptional under Director's Rule 6-2001. **Parcel H.**
- **Three trees clustered together in the northwest portion of Parcel I:** two 10 inch and one 12 inch Madrone.

Director's Rule (DR) 6-2001 states that Madrona trees are native species that *should sometimes be designated as exceptional*, with the footnote, "Healthy young specimens of Madronas on construction sites are more worth saving than old, large ones. As many specimens as possible in very good condition – regardless of size – should be preserved on construction sites, but they should not be watered or they will be more likely to decline and die. Large specimens of average or poor health may have a short lifespan because of damage during construction and as a result of post-construction practices such as irrigation, which are harmful to this species."

No trees were selected for preservation within the 10 foot utility easement, as trenching in the utility easement will necessitate the removal of trees due to expected root zone disturbance. No other trees were selected for preservation because those that remain are not exceptional per DR 6-2001, and there are no provisions in the Land Use Code for their preservation.

Prior to short plat recording, the applicant shall submit a tree protection plan for review and approval to the assigned Land Use Planner *and* SDOT's City Arborist, Bill Ames (684-5693, bill.ames@seattle.gov) that 1) defines tree protection zones around the identified Madrones on Parcels F, G, H, and I, 2) includes effective tree protection measures (i.e., as outlined in the Arborist's report) that will ensure successful preservation and protection of the identified trees during future land development and/or construction, and that will 3) be fully coordinated with the design and location of future development.

The applicant shall ensure that an arborist is on-site with the applicant and/or contractor to mark out the tree-protection zone(s). Each tree protection zone should be the tree canopy dripline, or, a 1-foot radius protection area for every inch in diameter of the trunk (DBH).

The applicant shall have permanent tree protection covenants, for each of the Madrones listed above, placed on the face of the short plat and recorded with the King County Office of Records (applicant and/or arborist to develop language and submit to the assigned planner prior to land use final approval), SMC 25.11.

Prior to building permit issuance, the applicant shall ensure that an arborist is on-site and involved in the location of future building construction. All invasive species shall be hand-removed from each tree protection zone. The tree protection zones shall be protected from all

construction activity and material storage by a chain link fence anchored to the ground for the duration of site work and construction. The tree protection zone shall have signs attached to the fence defining restrictions from use or entry.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short Subdivision is not a unit lot subdivision. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This Short Subdivision is not a multiple single-family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

Summary – Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light (SCL), and review by the undersigned Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities, and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed short plat will maximize the retention of existing trees subject to conditions for approval. The public use and interest will be served by the proposal since all applicable criteria are met, the proposal creates the potential for additional housing opportunities in the City, and the proposal, subject to conditions for approval, will protect and preserve identified exceptional trees.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party shall:

1. Place a vicinity map on the cover sheet of plan documents for final recording and approval. Indicate on the vicinity map the property to be subdivided (SMC 23.24.020).
2. Update the plat document to include *both* existing parcel lot lines and proposed parcel lot lines (SMC 23.24.020). Label existing and proposed lots lines as such.
3. Submit a tree protection plan for review and approval to the assigned Land Use Planner *and* SDOT's City Arborist, Bill Ames (684-5693, bill.ames@seattle.gov) that:
 - a. Defines tree protection zones around the identified Madrones on Parcels G, H, and I; and
 - b. Includes effective protection measures (i.e., as outlined in the Arborist's report) that will ensure successful preservation and protection of the identified trees; and
 - c. Is fully coordinated with the design and location of future development.
4. The applicant shall ensure that an arborist is on-site with the applicant and/or contractor to mark out the tree-protection zones. Each tree protection zone should be the tree canopy dripline, or, a 1-foot radius protection area for every inch diameter.
5. The applicant shall have permanent tree protection covenants, for each of the Madrones listed above, placed on the face of the short plat and recorded with the King County Office of Records (applicant and/or arborist to develop language and submit to the assigned planner prior to land use final approval), SMC 25.11.
6. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned. Add the conditions of approval to the face of the plat.
7. Submit the final recording forms for approval and remit any applicable fees.
8. Add all conditions of approval to the face of the plat.

Prior to Issuance of any Building Permit

9. Attach the approved tree protection plan to all permit application plan sets for any application for a permit to construct or change use.
10. At the time of building permit application intake, the applicant shall submit a permanent drainage control plan. If the proposed method of stormwater control is on-site infiltration, the design must be stamped and signed by a geotechnical engineer (MUP 3007488).
11. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to demolish, construct or change use.

During Construction

12. The applicant and/or owner shall ensure that an arborist is on-site and involved in the location of future building construction.
13. All invasive species shall be hand-removed from each tree protection zone.
14. The tree protection zones shall be protected from all construction activity and material storage by a chain link fence anchored to the ground for the duration of site work and construction.
15. The tree protection zone fencing shall have posted signs defining restrictions from use or entry.

Signature: _____ (signature on file) Date: March 12, 2009
Catherine McCoy, Land Use Planner
Department of Planning and Development

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